

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4 Applicants: Volker GERSTNER et al

Serial No.: 09/869,317

Filed: July 24, 2001

For: METHOD FOR DETECTING FLUORESCENCE
PHENOMENA IN MICROSCOPERESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371Box PCT
Assistant Commissioner of Patents
Washington, D.C. 20231Attention: APPLICATION BRANCH
MISSING REQUIREMENTS OF APPLICATION

Sir:

With respect to the above-identified national phase application, the following are filed herewith in response to the Notification of Missing Requirements under 35 U.S.C. 371, mailed August 21, 2001, copy attached.

X Petition for Extension of Time (Three Months) and \$920.00 fee for Petition.

X Declaration in compliance with 37 C.F.R. §1.63.

X Request for Approval of Proposed Drawing Corrections.

X Preliminary Amendment.

X Substitute Specification and Marked Up Version of Substitute Specification.

12/28/2001 MNGUYEN 00000127 09869317

01 FC:117

920.00 OP
Translation of the application into English and verification of English Translation

Serial No.: 09/869,317

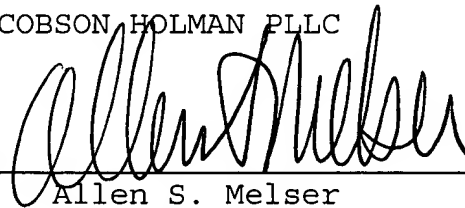
The Notification of Missing Requirements Under 35 USC 371 indicates that the processing fee for late filing of the English translation should be submitted together with this response. However, applicants already submitted this \$130.00 fee along with the initial filing of the application on July 24, 2001. Therefore, no \$130.00 fee is attached hereto. A copy of the transmittal and date stamped postcard evidencing the PTO's receipt of payment are attached hereto.

X If a Petition for Extension of time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge and fees necessary under 37 CFR 1.17 (a) - (d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By



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Atty. Docket: P66886US0
Date: December 21, 2001
ASM:LJS:jrc

TC 8-27-01

Chang

P66886US0



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/869317	GERSTNER	V P66886US0
INTERNATIONAL APPLICATION NO.		
PCT/EP00/11626		
I.A. FILING DATE	PRIORITY DATE	
22 NOV 00	25 NOV 99	

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

DATE MAILED: 21 AUG 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☒ a Designated Office (37 CFR 1.494) ☐ an Elected Office (37 CFR 1.495):

- | | |
|---|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

JACOBSON HOLMAN PLLC
Response Due On Or Before
10/21/01
Month Day Year

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☒ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917
☐ PTO-875

☐ Notice of Defective Translation
☐ PCT/DO/EO/920

Pat Booker, Paralegal

COPY

****HAND CARRY** TO PCT WINDOW, CRYSTAL PLAZA II, 8TH FLOOR**

Att'y Docket: P66886US0
Serial No.: New U.S. National Phase Application
Applicant: GERSTNER et al.
Filing Date: July 24, 2001

Today's Date: July 24, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- X International Search Report (210)
- X Request (101)
- X First Page of Publ.
- X 18 pg. Specif. with 19 claims and Abstract
- X 2 Sheets of Drawings

Check for \$ 1120.00 Check No. 53832

DUE DATE: July 25, 2001

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09/869317

ASM/cmf

60 Rec'd PCT/PTO 24 JUL 2001

JACOBSON, PRICE, HOLMAN & STERN, PLLC • 400 SEVENTH STREET, N.W. • WASHINGTON, D.C. 20004-2201

DATE	IN PAYMENT FOR		AMOUNT
07-24-01	1120.00		1120.00
	FILING FEE	ASSIGNMENT FEE	
	ISSUE FEE	APPEAL FEE	
	AMENDMENT	MISCELLANEOUS	
	CARL ZEISS JENA GMBH		
	APPLICANT		
	SER. No.	MARK	
	12732	CMF	
	OUR FILE No. P66886US0	WRITER	
	CHARGE TO		

P.O. 53832

COPY